

REMARKS

This application is amended in a manner to place it in condition for allowance at the time of the next Official Action.

Claim 8 is amended. Support for the amendment may be found, for example, at lines 20 and 24 on page 26 of the present application.

Claims 8-10 remain pending in the application.

The Official Action rejected claims 8-10 under 35 USC §103(a) as being unpatentable over LEACH US 5,612,074 ("LEACH"). This rejection is respectfully traversed for the reasons discussed below.

LEACH discloses an uncooked food bar, which is a sweet, candy-like product. The product is not intended to be cooked or fried. This uncooked food bar contains dry ingredients in the ratio of 3:1 to liquid ingredients. These dry ingredients consist essentially of dietary fibre, non-animal protein, simple carbohydrate, complex carbohydrate, antioxidant, sugar, polyunsaturated linoleic acid, amino acid, chlorophyll, pyridoxime, magnesium, sodium, potassium, flavoring and the liquid ingredients consist of syrup, vegetable oil etc.

The uncooked food bar may include a soy content varies between 1 and 6 %, but LEACH fails to disclose or suggest the type of soy used. One of ordinary skill in the art would have recognized that the possible types of soy are numerous: whole soy bean, dehulled soy bean, roasted soy bean, grinded soy bean, soy

flours: defatted soy flour, full fat soy flour, enzyme active defatted soy flour, roasted defatted and full fat soy flour, soy concentrate flour, soy isolates, soy extracts, etc.

LEACH also fails not identify the type of soy in the "soy granule" used in all alternative versions presented in the examples.

The claimed invention, however, is a nutritive preparation, which is the basis of the meal and intended for substituting meat products. The claimed invention is particularly advantageous for the health of the consumer. Unlike the product of LEACH, the claimed invention is not a sweet, candy-like product, it does not contain added sugar or syrup, and it is not intended to be consumed uncooked.

Thus, in view of LEACH, one of ordinary skill in the art, such as a skilled cook or a food processor, would not have chosen the claimed ingredients at the ranges specified to make a meat analog containing the textured soy protein and psyllium husk powder, because psyllium is known to be a gelatinous agent, and it would not be expected to give a wanted mouth feel and structure. Moreover, the combination of textured soy protein and psyllium husk powder, at the specified ranges, result in the desired product, and there is no suggestion in LEACH to modify, for example, the soy content or soy type to even approach the claimed product. Indeed, the textured soy protein is used as flakes and not as powder.

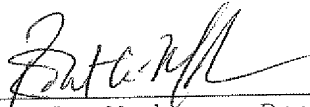
Therefore, LEACH does not render obvious the claims, and withdrawal of the rejection is respectfully requested.

In view of the amendment to the claims, and the foregoing remarks, the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Robert A. Madsen, Reg. No. 58,543  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

RAM/fb